

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MELVIN *et al.*

*Plaintiffs,*

v.

HONORABLE JAMES F. KENNEY, *et al.*

*Defendants.*

Civil Action No. 2:20-cv-3529

**PLAINTIFFS' MOTION TO SET ASIDE ORDER OF NOVEMBER 25, 2020 AND FOR  
EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTIONS TO DISMISS  
UNTIL AND INCLUDING DECEMBER 9, 2020**

Plaintiffs and their counsel move this honorable court to set aside the order issued on November 25, 2020 on the grounds that oppositions to Defendants motions to dismiss were not timely filed. *See* Fed. R. Civ. P 41(a)(2).

Due to the communication difficulties inherent in the worsening Covid-19 pandemic a miscommunication occurred between counsel and staff which resulted in the opposition date not being marked up. Counsel also was engaged in several client emergencies during this period.

As set forth in Fed. R. Civ. P. 60(b)(1), “on motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect.”

WHEREFORE in the interests of justice Plaintiffs and their counsel respectfully request that the order be vacated and that they be accorded 14 days or until and including December 9, 2020 to respond to the motion to dismiss, in order that this cause can be ruled upon on the merits.

Dated: November 25, 2020

Respectfully submitted,

/s/ Andrew Teitelman

**ANDREW TEITELMAN**

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*Of Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27th day of November, 2020, a true copy of the foregoing was filed via ECF and served to all counsel of record through the Court's ECF system.

/s/ Andrew Teitelman